IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.285 OF 2006
WITH
CIVIL APPLICATION NO.286 OF 2006
IN
SECOND APPEAL ST.NO.3965 OF 2006

Shri Hindurao Nana Nangare(Patil)
(since deceased through his L.R.)
Shri Anandrao H. Nangare(Patil) ..Applicant.

V/s.

Shri Mahadeo Abaji Patil & Ors. ..Respondents.

Mr.Rahul D.Motkari for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : FEBRUARY 21, 2006.

P.C. :

1. Delay in filing this appeal as computed by the office is 12 years and 82 days. The only explanation offered by the applicant is that he had no knowledge about the outcome of the litigation pending against his father, who expired on 3rd June, 2000. The applicant however, became aware of the litigation only after service of warrant in January, 2006. The decree has been passed against father of the applicant as back as on 23rd August, 1994. Father of the applicant admittedly died on 3rd June, 2000. The father did not choose to challenge the decree during his life time. The applicant cannot be

heard to say that even if his father did not challenge the decree, he is entitled to challenge the same in his own right. The applicant is claiming through his father and not independently as mentioned earlier.

2. Delay is over 12 years and 82 days. The explanation offered by the applicant is untenable. Hence, rejected.